

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

A.D. ALBERTON &	:	CIVIL ACTION
MARK C. KESSLER	:	NO. 06-3755
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
COMMONWEALTH LAND TITLE	:	
INSURANCE CO.	:	
	:	
Defendant.	:	

**O R D E R**

**AND NOW**, this **26th** day of **January 2010**, upon consideration of Plaintiff's oral motion to appoint Mark C. Kessler as class representative, it is hereby **ORDERED** that Plaintiffs' oral motion is **GRANTED**.<sup>1</sup>

**AND IT IS SO ORDERED.**

S/Eduardo C. Robreno  
**EDUARDO C. ROBRENO, J.**

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<sup>1</sup> To the extent that Plaintiffs intend to pursue a separate theory of liability which implicates the potential conflict between the subclasses, Plaintiffs shall articulate such a theory to the Court at the time that the parties file a proposed schedule for submitting dispositive motions. See Alberton v. Commw. Land Title Ins. Co., 247 F.R.D. 469, 477 (E.D. Pa. 2008), rev'd on other grounds, Hunt v. U.S. Tobacco Co., 538 F.3d 217 (3d Cir. 2008).